



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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201-14207

FEB 21 2006

Greg Moerer  
Manager – Environmental and Security  
Bayer CropScience  
8400 Hawthorne Road  
Kansas City, MO 64120

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Dear Mr. Moerer:

Thank you for your e-mail dated January 13, 2006, to Jeffrey Taylor, U.S. Environmental Protection Agency (EPA), regarding EPA's High Production Volume (HPV) Challenge Program.

In the e-mail, you supply information concerning recent amendments to 1998 and 2002 Inventory Update Rule (IUR) reporting records that were submitted to EPA by Bayer CropScience for the following chemicals:

- Ethane, 1-chloro-2-(ethylthio)- [CASRN 693-07-2]
- Hydrazinecarbodithioic acid, compd. with hydrazine (1:1) [CASRN 20469-71-0]
- 2-Butanone, 1,1-dichloro-3,3-dimethyl- [CASRN 22591-21-5]
- 1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo- [CASRN 33509-43-2]

Bayer CropScience had previously reported these chemicals. However, EPA in a letter to the company dated December 3, 2004, indicated that the four chemicals were considered non-isolated intermediates, which are not reportable to the IUR. Therefore, Bayer CropScience submitted amendments for the chemicals. Based on these revised IUR records, EPA can now reevaluate whether these four substances should be designated as "no longer HPV" chemicals for purposes of the HPV Challenge Program as originally requested by your company in a December 29, 2003, letter to the Agency.

EPA posted draft guidance on procedures for removing "no longer HPV" chemicals from the scope of the HPV Challenge Program on its Chemical Right-to-Know (ChemRTK) website ([www.epa.gov/chemrtk](http://www.epa.gov/chemrtk)) in March 1999. According to this guidance, all manufacturers and importers that reported a chemical in the last two IUR reporting years (i.e., 1998 and 2002) must provide support for the claim that a chemical is no longer HPV and is not likely to become HPV again. Based on our review of submitted information, which now includes the updated IUR reporting records provided by Bayer CropScience, EPA has determined that these four chemicals **do meet** the "no longer HPV" criteria. Since all manufacturers and importers that reported the chemicals have provided support for the claim, EPA can designate these substances as a "no longer HPV" chemicals on the HPV Challenge Program Chemical List (i.e., assign the four chemicals an Indicator of "5") to denote that they are no longer subject to the Program.

We will post Bayer CropScience's e-mail, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-8176. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via email at [tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov).

Sincerely,

Jim Willis, Director  
Chemical Control Division

cc: AR-201

201-16177

Jeffrey Taylor/DC/USEPA/US

01/13/2006 04:06 PM

To NCIC HPV@EPA

cc

bcc

Subject AR201 - Technical Letter -- Fw: Bayer CropScience HPV Letters

{Note that the 4 chemicals referenced in the two files below are NOT considered Confidential Business Information (CBI). Bayer CropScience does not wish to have anything CBI with these 4 chemicals. The reason why the actual amendments -- which were submitted separately to EPA -- are considered CBI is because there are other chemicals referenced on those amendments that are CBI. The communication below is fully intended for public access.}

-- Jeffrey Taylor, EPA Environmental Protection Specialist

-----  
01/13/2006 02:43 PM

From: Greg Moerer <greg.moerer@bayercropscience.com>  
To: Jeffrey Taylor/DC/USEPA/US@EPA

cc:  
Mark Tice <mark.tice@bayercropscience.com>,  
Eric Rivadeneira <eric.rivadeneira@bayercropscience.com>,  
Greg Moerer <greg.moerer@bayercropscience.com>

Subject: Bayer CropScience HPV Letters

Jeffrey:

Per our phone conversation I am sending you the cover letters for our 1998 and 2002 IUR re-submittals without the CONFIDENTIAL attachments. This will allow the "no longer HPV" work to continue parallel to the confidential document procedures.

Thanks

Greg Moerer  
Bayer CropScience



KCHPV IUR 1998 Update Letter to EPA.doc



KCHPV IUR Update Letter to EPA.doc

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2006 JAN 23 AM 7:40

Bayer CropScience



201-16177

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2006 JAN 23 AM 7:40

**Amended IUR Report 2002 - HPV Program**

US Environmental Protection Agency  
EPA Building East  
Confidential Business Information Center  
1201 Constitution Avenue, NW  
Washington, DC 20004

November 22, 2005

Bayer CropScience  
8400 Hawthorne Road  
Kansas City, MO 64120  
Phone: 816-242-2250

Dear Sir:

Attached is an amended 2002 IUR Form U for the Bayer CropScience site in Kansas City, Missouri. Please note that since 2002, the Kansas City site has changed its name to Bayer CropScience LP, but it is the same site listed on the IUR.

Also attached is a letter from Diane Sheridan, Chemical Control Division USEPA (dated December 03, 2004) describing four chemicals that have been removed from the HPV Challenge program because they have been categorized as non-isolatable and non-reportable under the IUR rules.

These four chemicals previously had been voluntarily adopted for HPV review by Bayer Crop Sciences, the direct predecessor of Bayer CropScience LP. Bayer has subsequently determined and the USEPA had agreed, that these four chemicals were exempt from HPV testing but the USEPA recommended that Bayer amend its 2002 IUR to remove these chemicals so that the USEPA could then reclassify these four chemicals as "no longer HPV".

Accordingly, we are amending the 2002 IUR for Bayer CropScience LP( and also as successor to Bayer Corporation and Bayer Crop Sciences) to remove the following four chemicals:

Page 2 of 2

CAS Number	Chemical Name
693-07-2	Ethane, 1-chloro-2-(ethylthio)-
20469-71-0	Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)
22591-21-5	2-Butanone, 1,1-dichloro-3,3-dimethyl-
33509-43-2	1,2,4-Triazin-5(2H)-one,4-amino-6-(1,2-dimethylethyl)-3,4-dihydro-3-thioxo-

**Attachments:**

Attachment One - Original Form U 2002 IUR Submittal

Attachment Two - Updated Form U 2002 IUR Submittal

Attachment Three - Letter from Diane M Sheridan USEPA to Janet Mostowy

Please contact the undersigned if you have any questions or need further information.

Sincerely,

Greg Moerer

Manager – Environmental and Security

Cc: USEPA-Diane M. Sheridan

G Goodridge

J Mustowy

Bcc: M. Boucher

Bayer CropScience



201-16177

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2005 JAN 23 AM 7:40

**Amended IUR Report 1998 - HPV Program**

December 15, 2005

US Environmental Protection Agency  
EPA Building East  
Confidential Business Information Center  
1201 Constitution Avenue, NW  
Washington, DC 20004

Bayer CropScience  
8400 Hawthorne Road  
Kansas City, MO 64120  
Phone: 816-242-2250

Dear Sir:

Attached is an amended 1998 IUR Form U for the Bayer CropScience site in Kansas City, Missouri. Please note that since 2002, the Kansas City site has changed its name to Bayer CropScience LP, but it is the same site listed on the IUR.

Also attached is a letter from Diane Sheridan, Chemical Control Division USEPA (dated December 03, 2004) describing four chemicals that have been removed from the HPV Challenge program because they have been categorized as non-isolatable and non-reportable under the IUR rules.

These four chemicals previously had been voluntarily adopted for HPV review by Bayer Crop Sciences, the direct predecessor of Bayer CropScience LP. Bayer has subsequently determined and the USEPA had agreed, that these four chemicals were exempt from HPV testing but the USEPA recommended that Bayer amend its 2002 IUR to remove these chemicals so that the USEPA could then reclassify these four chemicals as "no longer HPV".

Accordingly, we are amending the 1998 IUR for Bayer CropScience LP( and also as successor to Bayer Corporation and Bayer Crop Sciences) to remove the following four chemicals:

Page 2 of 2

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22591-21-5	2-Butanone, 1,1-dichloro-3,3-dimethyl-
33509-43-2	1,2,4-Triazin-5(2H)-one,4-amino-6-(1,2-dimethylethyl)-3,4-dihydro-3-thoxo-

**Attachments:**

Attachment One - Original Form U 1998 IUR Submittal

Attachment Two - Updated Form U 1998 IUR Submittal

Attachment Three - Letter from Diane M Sheridan USEPA to Janet Mostowy

Please contact the undersigned if you have any questions or need further information.

Sincerely,

Greg Moerer  
Manager – Environmental and Security

CC: USEPA-Diane M. Sheridan  
G Goodridge  
J Mustowy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

201-15733

DEC 03 2004

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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OPPT/OPIC  
04 DEC 17 PM 1:06

Janet M. Mostowy, Ph.D.  
Vice President, Product Safety and Regulatory Affairs  
Bayer Corporation  
100 Bayer Road  
Pittsburgh, PA 15205-9741

Dear Dr. Mostowy:

Thank you for your letter dated December 29, 2003, addressed to Mr. Michael O. Leavitt, Administrator, U.S. Environmental Protection Agency (EPA). Administrator Leavitt has asked me to respond on his behalf. I apologize for the delay in responding to your request.

Your letter states that Bayer had recently determined that the chemicals listed below are all "non-isolated intermediates" within the meaning of the Inventory Update Rule (IUR). The letter also states that Bayer erroneously reported them for the IUR in 1990 and in subsequent years and mistakenly sponsored these chemicals under the HPV Challenge Program. The information relied upon by Bayer in making its determination of "non-isolated intermediates" was provided in a memorandum containing TSCA Confidential Business Information which was sent to the Confidential Business Information Center. Your letter requests that these chemicals be designated with a "5" on the HPV Challenge Program Chemical List.

The Agency has reviewed the information you provided concerning your manufacturing processes. Based on that review, the Agency has determined the following:

CAS #	Chemical Name	EPA Response
150-50-5	Phosphorotrithious acid, tributyl ester	Isolated intermediate; reportable
693-07-2	Ethane, 1-chloro-2-(ethylthio)-	Non-isolatable; not reportable under the IUR
3338-24-7	Phosphorodithioic acid, O-O-diethyl ester, sodium salt	Isolated intermediate; reportable



20469-71-0	Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)	Non-isolatable; not reportable under the IUR
22591-21-5	2-Butanone, 1,1-dichloro-3,3-dimethyl-	Non-isolatable, not reportable under the IUR
33509-43-2	1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo-	Non-isolatable, not reportable under the IUR

As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at [www.epa.gov/chemrtk](http://www.epa.gov/chemrtk) in March, 1999. Based on EPA's review of all the pertinent IUR data from 1998 and 2002, EPA has determined that Phosphorotrithious acid, tributyl ester (CAS No. 150-50-5) and Phosphorodithioic acid, O-O-diethyl ester, sodium salt (CAS No. 3338-24-7) **do not meet** the "no longer HPV" criteria. They will remain in the HPV Challenge Program and should continue to be reported.

EPA recommends Bayer amend its IUR reporting for the remaining four chemicals: Ethane, 1-chloro-2-(ethylthio)- (CAS No. 693-07-2); Hydrazinecarbodithioic acid, compd. with hydrazine (1:1) (CAS No. 20469-71-0); 2-Butanone, 1,1-dichloro-3,3-dimethyl- (CAS No. 22591-21-5); and, 1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo- (CAS No. 33509-43-2) since they are non-isolatable and therefore not reportable. Once the IUR reporting has been amended, EPA will be able to give those four chemicals an indicator of "5" for meeting the "no longer hpv" criteria.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at [tsca-hotline@epa.gov](mailto:tsca-hotline@epa.gov).

Sincerely,

Diane M. Sheridan  
Acting Branch Chief  
Existing Chemicals Branch  
Chemical Control Division

cc: AR201

201-15117 **Bayer** 

December 29, 2003

Bayer Corporation  
100 Bayer Road  
Pittsburgh, PA 15205-9741  
Phone: 412 777-2000

**By USPS Express Mail**

Michael Leavitt, Administrator  
U.S. Environmental Protection Agency  
P.O. Box 1473  
Merrifield, VA 22116  
Attention: Chemical Right-to-Know Program

**Re: Bayer Corporation, HPV Reg. No.  
Request to Designate Chemicals as "No Longer HPV"**

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Dear Mr. Leavitt:

To date, Bayer Corporation ("Bayer") has committed to sponsor or co-sponsor a number of chemicals under the High Production Volume ("HPV") Challenge Program, including but not limited to the following six (6) chemicals:

CAS No.	Chemical Name	Start Year
150-50-5	Phosphorotrithious acid, tributyl ester	2003
693-07-2	Ethane, 1-chloro-2-(ethylthio)-	2003
3338-24-7	Phosphorodithioic acid, O,O-diethyl ester, sodium salt	2003
20469-71-0	Hydrazinecarbodithioic acid, compd. with hydrazine (1:1)	2003
22591-21-5	2-Butanone, 1,1-dichloro-3,3-dimethyl-	ICCA
33509-43-2	1,2,4-Triazin-5(2H)-one, 4-amino-6-(1,1-dimethylethyl)-3,4-dihydro-3-thioxo-	2003

To the best of Bayer's knowledge, Bayer is the only company responsible for reporting the foregoing six chemicals for the Toxic Substances Control Act ("TSCA") Inventory Update Rule ("IUR") in 1990 and in subsequent years.

Recently, Bayer determined that the subject chemicals are all "non-isolated intermediates" within the meaning of the IUR (40 C.F.R. §§ 710.23, -.43), as interpreted by EPA in its guidance. The manufacture or import of non-isolated intermediates is not reportable for the IUR. 40 C.F.R. §§ 710.30(c), -.50(c). Accordingly, Bayer erroneously reported the subject chemicals for the IUR in 1990 and in subsequent years. Since the HPV Challenge Program Chemical List consists

of all the HPV chemicals reported during the 1990 IUR reporting year, Bayer also mistakenly sponsored the above-listed chemicals under the HPV Challenge Program. The information relied upon by Bayer in making its determination of "non-isolated intermediates" is set forth in a memorandum that contains TSCA Confidential Business Information ("TSCA CBI") throughout and, therefore, is being sent to you separately, by way of the Agency's Document Control Officer (7407M). This memorandum containing TSCA CBI should not be placed in the public docket.

For the foregoing reasons, explained more fully in Bayer's confidential memorandum, Bayer requests EPA to designate the subject chemicals as "No Longer HPV" (Indicator Value "5") on the HPV Challenge Program Chemical List, in accordance with the Agency's February 8, 1999 procedures for removing chemicals that are "no longer HPV" from the HPV List.

We look forward to your reply and invite any questions that you may have regarding this request. If you have questions, you can reach me at 412-777-3490 or Cynthia Graham, Ph.D. at 412-777-3933 or by email at [cynthia.graham@bayerpolymers.com](mailto:cynthia.graham@bayerpolymers.com).

Sincerely,

Janet M. Mostowy, Ph.D.  
Vice President, Product Safety and Regulatory Affairs

cc: EPA Document Control Officer (7407M) (w/TSCA CBI enclosure, *Memorandum Supporting the Designation of Six Pesticide Intermediates as "No Longer HPV"*)  
Mr. Patrick Ragan, Bayer CropScience  
Mr. Gregory Moerer, Bayer CropScience  
Charles A. O'Connor, III, Esq., McKenna Long & Aldridge LLP